

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 46

February 5, 2021

SUMMARY OF BILL: Requires the Department of Education (DOE), instead of local boards of education, to develop and implement a program for testing drinking water for lead contamination in public schools, public charter schools, and child care programs in facilities constructed prior to January 1, 1998. Adds public charter schools and child care programs to the list of entities governed by drinking water testing requirements. Sets certain standards for water quality and decreases, from 90 days to 30 days, the timeframe within which a public school, public charter school, or child care program must retest the lead level of the drinking water source following a corrective action.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Tennessee Code Annotated § 49-2-133 requires drinking water in public schools constructed before January 1, 1998 be tested for lead contamination on a periodic, not to exceed biennial, basis, with remediation requirements if the lead level is greater than 20 parts per billion (ppb).
- The proposed language specifies that lead testing is required of public charter schools and child care programs located in buildings constructed before January 1, 1998 and lowers the threshold for required remediation to greater than 15 ppb for all entities required to perform lead testing.
- Public charter schools are considered public schools, pursuant to Tenn. Code Ann. § 49-13-104, and therefore, are subject to the current requirements related to testing drinking water for lead contamination as established in Tenn. Code Ann. § 49-2-133.
- Public Chapter 977, which established Tenn. Code Ann. § 49-2-133, was signed into law in 2018. The fiscal memorandum estimated the costs associated with testing for lead contamination in public school drinking water sources as an increase in state expenditures of \$3,200 in FY19-20 and subsequent years and a mandatory increase in local expenditures of \$128,800 in FY18-19 and subsequent years.
- The Tennessee Department of Environment and Conservation (TDEC) administers the Federal Water Infrastructure Improvements for the Nation (WIIN) grant which provides funding for the testing of drinking water at schools and childcare facilities for lead contamination.
- The WIIN grant period is currently from October 1, 2019 to September 30, 2023.

- TDEC has received \$697,000 in WIIN grant funds to date, spent \$3,400, and has applied for a second grant in the amount of \$332,000. For any unspent funds within a grant period, TDEC may apply for an extension.
- It is assumed that applicable public schools and public charter schools have been conducting water testing in order to comply with Public Chapter 977.
- While the proposed legislation may result in an increase in the frequency of testing, it is reasonably assumed that child day care programs, public schools, and public charter schools will be able to utilize WIIN grant funds.
- Any increase in local expenditures associated with increased rates of remediation, due to lowered thresholds of lead contamination, is estimated to occur within the threshold of recurring expenditures identified in relation to Public Chapter 977; therefore, any increase in local expenditures is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Interim Executive Director

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